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DISTRICT IV

January 19, 2024

To:

Hon. Louis J. Molepske Jr.
Circuit Court Judge
Electronic Notice

Chris Marfilus
Register in Probate
Portage County Courthouse
Electronic Notice

Christian Allen
Electronic Notice

Ellen J. Krahn
Electronic Notice

Brianna Lynn Sweeney
Electronic Notice

J. R. C.

You are hereby notified that the Court has entered the following opinion and order:

2023AP1716-NM

In the matter of the mental commitment of J.R.C.: Portage County
v. J.R.C. (L.C. # 2022ME123)

Before Blanchard, J.¹

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

J.R.C. appeals a circuit court order for an initial involuntary commitment of six months under WIS. STAT. ch. 51 and an accompanying order for involuntary medication and treatment. Attorney Ellen Krahn, appointed counsel for J.R.C., has filed a no-merit report seeking to withdraw as appellate counsel pursuant to WIS. STAT. RULE 809.32 and *Anders v. California*, 386 U.S. 738 (1967). J.R.C. was sent a copy of the report and has not filed a response. Based

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2021-22). All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

upon the report and an independent review of the record as mandated by RULE 809.32 and *Anders*, I summarily affirm the orders because there are no issues of arguable merit to appeal. *See* WIS. STAT. RULE 809.21.

The no-merit report first addresses whether there is any issue of arguable merit relating to statutory time limits. I agree with counsel that there is not. As discussed in the report, the record shows compliance with the applicable deadlines, including the deadline for holding a final hearing within fourteen days of the circuit court's probable cause finding. *See* WIS. STAT. § 51.20(7)(c). The record also shows that the examining psychiatrist's reports were filed and thus accessible to counsel more than forty-eight hours prior to the final hearing. *See* § 51.20(10)(b).

The no-merit report next addresses whether there was clear and convincing evidence to support both the order for involuntary commitment and the order for involuntary medication and treatment.² This court is satisfied that the report sufficiently discusses these issues and explains why they lack arguable merit. I adopt counsel's analysis here. The evidence was sufficient to establish that J.R.C. was mentally ill, a proper subject for treatment, and a danger to herself or others pursuant to WIS. STAT. § 51.20(1)(a)2. The evidence was likewise sufficient to support the order for involuntary medication and treatment. *See* WIS. STAT. § 51.61(1)(g)4.b.

This court's independent review of the record discloses no other arguably meritorious issues for appeal.

² As discussed in the no-merit report, although the orders have expired, J.R.C.'s appeal from the orders is not moot for reasons set forth in our supreme court's decisions in *Marathon County v. D.K.*, 2020 WI 8, 390 Wis. 2d 50, 937 N.W.2d 901, and *Sauk County v. S.A.M.*, 2022 WI 46, 402 Wis. 2d 379, 975 N.W.2d 162.

Therefore,

IT IS ORDERED that the circuit court's orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Ellen Krahn is relieved of any further representation of J.R.C. in this matter.

IT IS FURTHER ORDERED that this summary disposition order will not published.

Samuel A. Christensen
Clerk of Court of Appeals